

**BEST AVAILABLE COPY**PATENT  
450100-03566**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-36 and 39-40 are pending. Claims 26-30, 33 and 36 were previously withdrawn from consideration without prejudice or disclaimer. Claims 1, 13, 31-35 and 40 are independent.

Claim 37 is hereby canceled. Claim 40 recites allowable subject matter and has been rewritten in independent form. Claim 39 is amended to correct the dependency.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

**Allowable Subject Matter**

Applicants thank the Examiner for noting that claims 4-11, 16-24, 39 and 40 include allowable subject matter.

**BEST AVAILABLE COPY**PATENT  
450100-03566Claim of Foreign Priority under 37 C.F.R. 119

Applicants request that the Examiner acknowledge Applicants' claim of foreign priority benefits under §119. The documentation was supplied with the original application and a second copy provided to the USPTO with Applicants' reply of September 20, 2005 to the Office Action dated July 22, 2005.

Applicants note that Office Action Summary continues to lack acknowledgment of Priority under 35 U.S.C. §119 and respectfully request that the Examiner make such acknowledgment in the next communication.

**I. REJECTIONS UNDER 35 U.S.C. §112**

The rejection of claim 37 under §112 is moot because that claim has been canceled.

**II. REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-3, 13-15, 31, 32, 37 and 38 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 6,744,891 to Kuwata et al. (hereinafter, merely Kuwata).

Applicants respectfully traverse this rejection.

Independent claim 1 is illustrative and recites, *inter alia*:

"... quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information . . ."  
(emphasis added).

As understood by Applicants, Kuwata discloses automatically modifying a picture without human intervention by determining the object as picture elements with a large image variation. Kuwata provides an image processing method whereby image processing is

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performed by modifying the image processing contents according to the object in the picture image.

Thus, the Kuwata image processing apparatus determines aspects of a picture image and alters the image so that the image is visually more appealing. Hence, if the luminance distribution of the image is determined to be too dark on the whole, a correction may be made to make it lighter. If the grey balance is determined to be wrong, tone curves are used to modify the grey balance. Par. [0042]. However, there is no suggestion that the quality of the data in Kuwata is degraded.

That is, the data of Kuwata are not of a degraded quality. The data happens to result in an image that is visually unappealing.

In contrast, claim 1 recites "quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information . . ." Thus, in the present invention the quality improving means can improve the quality of the data according to "at least both the improvement information and the another improvement information." That is, the present invention improves the data itself, which is distinguishable from Kuwata in which the image resultant from the data is altered.

In the present invention, the actual data is improved. If the data were degraded, the present invention makes the data less degraded. This is distinguishable from Kuwata, which modifies the visual appearance of an image resulting from the modification of attributes associated with the image. The data itself are not improved. Indeed, the data of Kuwata are not degraded and the quality of that data are not improved by Kuwata. The data is merely altered to present a different visual appearance.

Allen does not add the element missing from Kuwata.

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Therefore, claim 1 is patentable over Kuwata and Allen taken either alone or in combination because those references do not teach or suggest each and every limitation recited in the claim. In particular, neither references teaches or suggests, "quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information . . ." as recited in claim 1.

For somewhat similar reasons, it is also respectfully requested submitted that independent claims 13 and 31-35 patentable.

**III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

Claims 1-25, 31, 32, 34, 35 and 39-40 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for ApplicantsBy: Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800

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